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OFFICE OF PETITIONS

In re Application of
David Patrick FORR et al.
Application No. 10/800,447
Filed: March 15, 2004
Attorney Docket No. 339198-00062

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 05, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 7, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed April 4, 2008. Accordingly, the date of abandonment of this application is July 5, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1440 and the publication fee of \$300, (2) the petition fee of \$1540; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The full surcharge fee of \$1540, rather than the requested surcharge fee of \$1440, has been charged to deposit account 50-1710.

Petitioner should note that his correct Registration No. is 48,196 not 48,916.

Telephone inquiries concerning this decision should be directed to K. Reichle at (571) 272-6051.

This application is being referred to Publishing Division for processing into a patent.



David Bucci
Petitions Examiner
Office of Petitions